

characteristic odor of oil of santal and it contained terpineol, a substance foreign to oil of santal.

On October 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 boxes of santal oil capsules at New York, N. Y.; alleging that the article had been shipped in interstate commerce by John Wyeth & Bro., Inc., in part on or about July 29, 1938, from Philadelphia, Pa., and in part on or about July 5 and 6, 1938, from Boston, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Santal Oil East India," in that the said statement represented that the article was oil of santal; whereas it was not.

Misbranding was alleged in that the statement on the label, "Santal Oil East India," was misleading since the said article was not oil of santal of the standard set forth in the United States Pharmacopoeia.

On November 3, 1938, Magnus, Mabee & Reynard, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed and that costs be taxed against the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

29777. Misbranding of oil of sandalwood. U. S. v. Two 5-Pound Cans and Five 1-Pound Bottles of Oil Sandalwood (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42505, 42976. Sample Nos. 10695-D, 25246-D, 33922-D.)

This product was labeled to indicate that it was sandalwood oil, a product recognized in the United States Pharmacopoeia. Tests of the article showed that it was not of pharmacopoeial standard, since it was not soluble in 5 volumes of 70-percent alcohol.

On June 8 and June 27, 1938, the United States attorneys for the Southern District of New York and the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 2 cans and 5 bottles of oil of sandalwood at New York, N. Y., and 27 bottles of the same product at Richmond, Va.; alleging that the article had been shipped in interstate commerce by Dodge & Olcott Co., in part on or about April 2, 1938, from New York, N. Y., and in part on or about May 10, 1938, from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Oil Sandalwood * * * East Indian U. S. P. XI," was false and misleading since it led the purchaser to believe that the article was sandalwood oil, a drug recognized in the United States Pharmacopoeia and defined therein as being soluble in 5 volumes of 70-percent alcohol; whereas it was not soluble in 5 volumes of 70-percent alcohol.

On August 4 and November 4, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29778. Adulteration and misbranding of absorbent cotton and gauze bandages. U. S. v. 59 Dozen Packages of Absorbent Cotton (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43833, 43925, 44021. Sample Nos. 9793-D, 9822-D to 9825-D, inclusive, 29127-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages, were found at the time of examination to be contaminated with viable micro-organisms.

On September 10, 21, and 28, 1938, the United States attorneys for the Eastern District of Pennsylvania and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 59 dozen packages of absorbent cotton and 66 packages of gauze bandage at Philadelphia, Pa., and 30 dozen packages of absorbent cotton at Atlanta, Ga.; alleging that the articles had been shipped by the Acme Cotton Products Co., Inc., from Dayville, Conn., in the period from on or about March 23, 1938, to on or about September 3, 1938; and

charging misbranding with respect to all lots and adulteration with respect to portions in violation of the Food and Drugs Act.

The gauze bandage and a portion of the absorbent cotton were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Sterilized After Packaging," since they were not sterile but were contaminated with viable micro-organisms.

All lots were alleged to be misbranded in that the following statements and design on the cartons were false and misleading when applied to articles that were not sterile: (Gauze bandage) "Sterilized After Packaging," "Acme Prepared for Surgical purposes and for general uses in the Sick Room," "Acme Surgical Gauze"; (portion of absorbent cotton) "Sterilized," "Sterilized After Packaging for Surgical and Sanitary Uses"; (remainder of absorbent cotton) the design of a nurse's head accompanied by the word "Hospital," the statements "Surgical Absorbent Cotton This surgical cotton has been processed to a high degree of refinement. It is recommended for sick room, first aid, nursery * * * purposes," and the word "Acme," which constituted a part of the firm name.

On October 19 and 20, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29779. Adulteration and misbranding of "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)." U. S. v. 46 Cans and 14 Cans of Ether. Default decrees of condemnation and destruction. (F. & D. Nos. 44095, 44096. Sample Nos. 33895-D, 33896-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, was found to contain peroxide in 9 of the 10 cans examined. Consequently, it fell below the standard for ether defined in the United States Pharmacopoeia, tenth revision, and for ethyl oxide defined in the said pharmacopoeia, eleventh revision.

On October 24, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 cans of ether at Washington, D. C.; alleging that the article had been shipped by Merck & Co., Inc., in part on or about September 7, 1938, from Elizabeth, N. J., and in part on or about September 8, 1938, from Rahway, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under names recognized in the United States Pharmacopoeia, namely, "Ether" and "Ethyl Oxide," and differed from the standards of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label. Adulteration was alleged further in that its purity fell below the professed standard or quality under which it was sold, i. e., "Ether U. S. P. 10," since it did not conform to the specification of the tenth revision of the pharmacopoeia in that it contained peroxide.

Misbranding was alleged in that the statements on the label, "Ether U. S. P. 10" and "Ethyl Oxide U. S. P. XI," were false and misleading since the article did not conform to the specifications of the tenth revision of the pharmacopoeia for ether nor of the eleventh revision of the said pharmacopoeia for ethyl oxide.

On November 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29780. Adulteration and misbranding of absorbent cotton and gauze bandage. U. S. v. 270 Dozen Packages of Gauze Bandage (and 1 seizure action against similar products). Default decree of condemnation and destruction. (F. & D. Nos. 42316, 43015, 43016, 43017. Sample Nos. 17134-D, 29621-D, 29622-D, 29623-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, were found to be contaminated with viable micro-organisms.

On May 6 and July 2, 1938, the United States attorneys for the District of Maryland and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 270 dozen packages of gauze bandage at